IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE SECOND DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 21033 of 2004

Between:

A.Brahmananda Reddy, S/o.Seera Reddy,
Rampuram Village, Peddavaduguru Mandal,
Ananthapur District.

..... PETITIONER

AND

1 The District Collector, Ananthapur Dist., Ananthapur.
2 The Joint Collector, Ananthapur, Ananthapur Dist.
3 The Revenue Divisional officer, Ananthapur, Ananthapur District.
4 The Mandal Revenue officer, Peddavaduguru, Ananthapur District.

.....RESPONDENT(S)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring inaction of the 1st respondent in not receiving and registering the revision petition dated 8-11-2004, filed by the petitioner under clause 21(i) of the A.P.State Public Distribution system control order, 2001, whereby the order of the 2nd respondent in D.Dis No.K4/ATP/ 962/2004, dated 6-11-2004 was challenged as illegal, arbitrary and contrary to the provisions of the A.P.State Public Distribution system control order, 2001 and consequently direct the 1st respondent to receive and register the revision petition dated 8-11-2004 filed by the petitioner.

Counsel for the Petitioner:MR.P.ROY REDDY

Counsel for the Respondents 1 to 4: GP FOR CIVIL SUPPLIES

The Court, at the stage of admission, made the following :

ORDER:

Petitioner was appointed as a Fair Price Shop Dealer for Rampuram Village, Peddavaduguru Mandal, Ananthapur District, in the year 1990. The Revenue Divisional Officer, Ananthapur, the 3rd respondent, issued a show cause notice-cum-suspension order, dated 02.08.2004, suspending the authorization of the petitioner. Aggrieved thereby, he preferred an appeal before the 2nd respondent. The appeal was rejected through order, dated 06.11.2004. Petitioner claims to have filed a revision before the 1st respondent against the same. His complaint is that the office of the 1st respondent refused to receive or entertain the same and that no orders have been passed thereon either way.

Heard the learned counsel for the petitioner. When the writ petition came up for admission on 17.11.2004, learned Government Pleader for Civil Supplies took time to obtain instructions. He has placed before this Court the para-wise remarks received from the 1st respondent.

Petitioner felt aggrieved by the order of suspension and preferred an appeal before the 2nd respondent. When the 2nd respondent did not pass any interim order therein, he filed W.P.No.14005 of 2004, before this Court. The writ petition was disposed of on 09.08.2004, directing that the petitioner shall be entitled to function as fair price shop dealer till the disposal of the appeal by the 2nd respondent. Ultimately, the appeal was rejected on 06.11.2004.

Though the petitioner claims to have presented revision before the 1st respondent, from a perusal of the para-wise remarks furnished by the 1st respondent, it is evident that no such revision was presented. This Court would certainly have required the petitioner to peruse further remedy with the 1st respondent, but for the fact that the

para-wise remarks, referred to above, virtually render the revision, a futile exercise. While dealing with the contentions raised by the petitioner in the affidavit, the 1st respondent stated that there is no illegality in the order of suspension and that the truth or otherwise of the allegations against the petitioner can be decided only in the enquiry that may be held by the 3rd respondent. Once the 1st respondent has taken such a stand and made up her mind, there is no point in requiring the petitioner to pursue the remedy of revision.

This Court was already convinced that the allegations against the petitioner are not so grave as to disentitle the petitioner to function as fair price shop dealer and directed that he be permitted to function as such, pending disposal of the appeal. Much time has elapsed, ever since the order of suspension. Instead of prolonging the matter, in relation to suspension itself, the 3rd respondent can be required to conclude the matter finally. If the petitioner has not filed his explanation, he shall furnish the same, within two weeks from today.

Hence, the writ petition is disposed of directing that the petitioner shall be entitled to continue as fair price shop dealer, till the disposal of the proceedings by the 3rd respondent finally, and the 3rd respondent, in turn, shall conclude the proceedings before him, within two months from the date of receipt of a copy of this order. There shall be no order as costs.

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L.NARASIMHA REDDY, J

Dated : 02nd December, 2004

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To

1 The District Collector, Ananthapur Dist., Ananthapur.
2 The Joint Collector, Ananthapur, Ananthapur Dist.
3 The Revenue Divisional officer, Ananthapur, Ananthapur District.
4 The Mandal Revenue officer, Peddavaduguru, Ananthapur District.

5 2 CCS to the G.P. for Civil Supplies, High Court of A.P., Hyderabad (OUT).

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